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BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2007-1102

ROBIN JEAN RODGERS
aka Robin Jean Beronio

FIRST AMENDED ACCUSATION

7888 Old Redwood Highway #15
Cotati, CA 94931
Vocational Nurse License No. 131755

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about April 24, 1986, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number 131755 to Robin Jean Rodgers, aka Robin Jean Beronio ("Respondent"). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2012, unless renewed.

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4. Section 2875 of the Business and Professions Code (“Code”) provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

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1 that there was a conscious disregard or indifference for the health, safety, or welfare of the
2 consumer shall be considered a substantial departure from the above standard of care."

3 8. California Code of Regulations, title 16, section 2520, states:

4 "As set forth in Section 2878 of the Code, incompetence is deemed unprofessional conduct
5 and is a ground for disciplinary action. As used in Section 2878 'incompetence' means the lack of
6 possession of and the failure to exercise that degree of learning, skill, care and experience
7 ordinarily possessed and exercised by responsible licensed vocational nurses."

8 9. California Code of Regulations, title 16, section 2518.5, states:

9 "The licensed vocational nurse performs services requiring technical and manual skills
10 which includes the following:

11 (a) Uses and practices basic assessment (data collection), participates in planning,
12 executes interventions in accordance with the care plan or treatment plan, and contributes to the
13 evaluation of individualized interventions related to the care plan or treatment plan.

14 (b) Provides direct patient/client care by which the license:

15 (1) Performs basic nursing services as defined in subdivision (a)."

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18 10. Section 2878.5 of the Code states:

19 "In addition to other acts constituting unprofessional conduct within the meaning of this
20 chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed
21 under this chapter to do any of the following:

22 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
23 physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or
24 administer to another, any controlled substance as defined in Division 10 of the Health and Safety
25 Code, or any dangerous drug as defined in Section 4022.

26 "(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code,
27 or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a
28 manner dangerous or injurious to himself or herself, any other person, or the public, or to the

1 extent that the use impairs his or her ability to conduct with safety to the public the practice
2 authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous
4 drug, or the prescription, consumption, or self-administration of any of the substances described
5 in subdivisions (a) and (b) of this section, in which event the record of the conviction is
6 conclusive evidence thereof.

7 . . .
8 11. Section 2878.6 of the Code states:

9 "A plea or verdict of guilty or a conviction following a plea of *nolo contendere* made to a
10 charge substantially related to the qualifications, functions and duties of a licensed vocational
11 nurse is deemed to be a conviction within the meaning of this article. The board may order the
12 license suspended or revoked, or may decline to issue a license, when the time for appeal has
13 elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
14 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
15 the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of
16 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
17 accusation, information or indictment."

18 12. Section 490 of the Code provides, in pertinent part, that a board may suspend or
19 revoke a license on the ground that the licensee has been convicted of a crime substantially
20 related to the qualifications, functions, or duties of the business or profession for which the
21 license was issued.

22 COST RECOVERY

23 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licentiate found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case.

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15. Patient A's physician had written orders for his catheter to be changed once a month. His catheter was changed on June 5, 2007. On June 8, 2007, Respondent assumed his care and attempted to change his catheter by "cutting it." As a result, Patient A had to undergo surgical removal of a retained catheter tip.

17. In or about February 2011, Respondent was employed at Healdsburg Senior Living Community, a skilled nursing facility in Healdsburg. Patient C, a 92 year-old female, had been prescribed Haldol 0.50 milligrams² on January 31, 2011. However, this medication was discontinued by her physician on February 4, 2011. On February 7, 2011, Respondent assumed care of Patient C and administered the discontinued Haldol.

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18. Respondent is subject to disciplinary action under Code section 2878(a)(1), in that she engaged in gross negligence as defined in Title 16, California Code of Regulations, section

² Haldol is an antipsychotic medication used to treat dementia and uncontrollable body movements (tics). It is to be used with caution in elderly patients.

1 2519, by failing to check the physician order for Patient A, with said omission giving rise to her
2 attempt to change Patient A's suprapubic catheter on June 8, 2007, when it had been changed
3 three days earlier on June 5, 2007. The circumstances in support of this cause for discipline are
4 set forth in paragraphs 14 and 15, above.

5 SECOND CAUSE FOR DISCIPLINE

6 (Incompetence - Cutting Indwelling Suprapubic Catheter)

7 19. Respondent is subject to disciplinary action under Code section 2878(a)(1), in that
8 she engaged in gross negligence as defined in Title 16, California Code of Regulations, section
9 2519, by cutting Patient A's suprapubic catheter, with said conduct resulting in his developing an
10 infection and necessitating surgical intervention to remove the retained catheter. The
11 circumstances in support of this cause for discipline are set forth in paragraphs 14 and 15, above.

12 THIRD CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct – Medication Error)

14 20. Respondent is subject to disciplinary action under Code section 2878(a), in that she
15 engaged in unprofessional conduct by giving an incorrectly calculated dose of insulin to Patient B
16 as set forth above in paragraph 16.

17 FOURTH CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct – Administering Medication Without A Physician Order)

19 21. Respondent is subject to disciplinary action under Code section 2878(a) for
20 unprofessional conduct in that on or about February 7, 2011, she administered Haldol to Patient
21 C, when this medication had been discontinued by the patient's physician as set forth above in
22 paragraph 17.

23 FIFTH CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct – Possession of a Controlled Substance)

25 22. Respondent is subject to disciplinary action under Code section 2878(a), 2878(f),
26 2878.5(b) and (c), and 490, for unprofessional conduct. The circumstances regarding this cause
27 for discipline are as follows:

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a. On or about September 8, 1998, in a criminal proceeding entitled *People of the State of California v. Robin Jean Rodgers*, Yolo County Superior Court Case No. 97-8544, Respondent was convicted by her plea of no contest to a violation of Health and Safety Code section 11377(a) [possession of a controlled substance – methamphetamine], a felony.

b. Respondent was placed on three years probation, sentenced to 90 days in county jail, and ordered to register as a controlled substance offender pursuant to Health and Safety Code section 11590.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Use of a Controlled Substance)

23. Respondent is subject to disciplinary action under Code section 2878(a), 2878(f), 2878.5(b) and (c), and 490, for unprofessional conduct. The circumstances regarding this cause for discipline are as follows:

a. On or about September 8, 1998, in a criminal proceeding entitled *People of the State of California v. Robin Jean Rodgers*, Yolo County Superior Court Case No. 97-8544, Respondent was convicted by her plea of no contest to a violation of Vehicle Code section 23152(a) [driving a motor vehicle while under the influence of alcohol or drugs], a misdemeanor.

b. Respondent was ordered to complete an alcohol/drug program, sentenced to three years probation, 90 days in county jail and registration as a controlled substance offender.

SEVENTH CAUSE FOR DISCIPLINE

(Criminal Conviction)

24. Respondent is subject to disciplinary action under Code section 2878(a), 2878(f) and 490, for unprofessional conduct. The circumstances in support of this cause for discipline are as follows:

a. On or about November 25, 1997, in a criminal proceeding entitled *People of the State of California v. Robin Jean Rodgers*, Yolo County Superior Court Case No. 97-7619, Respondent was convicted by her plea of guilty to a violation of Vehicle Code section 14601.1(a) [driving on a suspended license], a misdemeanor.

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1 b. Respondent was placed on summary probation for 12 months and ordered to pay a
2 fine.

3 EIGHTH CAUSE FOR DISCIPLINE

4 (Criminal Conviction)

5 25. Respondent is subject to disciplinary action under Code section 2878(a) and 2878(f)
6 and 490, for unprofessional conduct. The circumstances regarding this cause for discipline are as
7 follows:

8 a. On or about March 1, 1999, in a criminal proceeding entitled *People of the State of*
9 *California v. Robin Jean Rodgers*, Yolo County Superior Court Case No. 98-6860, Respondent
10 was convicted by her plea of no contest to a violation of Penal Code section 653(k) [possession of
11 a switch blade knife with a blade over two inches in length in a vehicle], a misdemeanor.

12 b. Respondent was sentenced to 12 months summary probation and ordered to pay a fine
13 in the amount of \$405.00.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
17 issue a decision:

18 1. Revoking or suspending Vocational Nurse License Number 131755, issued to Robin
19 Jean Rodgers, aka Robin Jean Beronio.

20 2. Ordering Robin Jean Rodgers, aka Robin Jean Beronio, to pay the Board of
21 Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and
22 enforcement of this case, pursuant to Business and Professions Code section 125.3.

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: May 10, 2011

25 
TERESA BELLO-JONES, J.D., M.S.N., R.N.

26 Executive Officer
27 Board of Vocational Nursing and Psychiatric Technicians
28 Department of Consumer Affairs
State of California
Complainant